



41

1631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pittman, et al.) Attorney Docket No.: GIA-001.01
Serial No.: 10/023,451) Art Unit: 1631
Filing Date: December 17, 2001) Examiner: Channing Mahatan
For: *Methods and Compositions for Diagnosing*)
and Treating Inflammatory Diseases)

Certificate of First Class Mailing

I hereby certify that the instant "*Response to Restriction Requirement*" is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

April 22, 2004
Date

By:

John Barretto

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAY 27 2004

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Dear Examiner Mahatan:

In response to the outstanding Restriction Requirement of March 22, 2004, Applicants provisionally elect, with traverse, Group IV, claims 15-19 and 40, drawn to a solid surface of detection agents.

For a restriction requirement to be valid, the Examiner must establish that the search and examination of the entire application cannot be made without serious burden. If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (M.P.E.P. § 803). Applicants respectfully submit that a search and examination of the claimed solid surfaces comprising detection agents would also entail searching for compositions comprising detection agents, posing no serious burden. Accordingly, Applicants respectfully

request examination of the Group III claims, drawn to a composition of detection agents simultaneously with the examination of the Group IV claims.

Any questions raised by this submission may be directed to the undersigned at (617) 832-1000. No fee is believed to be due in connection with the submission of this Response. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our **Deposit Account No. 06-1448**.

Respectfully submitted,
FOLEY HOAG LLP



Jennifer A. Zarutskie, Ph.D.
Reg. No. 50,558
Agent for Applicants

April 22, 2004
Patent Group
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02210-2600
Tel: (617) 832-1000
FAX: (617) 832-7000
Customer Number 25181